

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Treasuries & Accounts Department – Sri Khaja Ghousuddin, Accounts Officer (Retired), O/o the Women Development & Child Welfare, A.P., Hyderabad – Implementation of APAT orders in O.A.No.11235/2002 - Orders – Issued.

FINANCE (ADMN.I.VIG) DEPARTMENT

G.O.Rt.No. 4435

Dated:18-12-2009.

Read the following:-

1. APAT. Orders dt: 10-05-06 in O.A.No.11235 of 2002 filed by Sri Khaja Ghousuddin, Accounts Officer (Retd.).
2. Govt.Memo.No.426/8/A2/Admn.I/2002,dt:23-10-2006.
3. DTA Lr.No.D1/17405/2002,dt:19-06-2009.
4. G.P.for Services.II, Lr.No.CC.561/09/SP/S.II/HC,dt:07-07-2009.
5. Hon'ble High Court orders, dt:27-10-2009 in W.P.No.26851 of 2006.
6. DTA Lr.No.D1/17405/2002,dt: 08-12-09.

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ORDER:

Sri Khaja Ghousuddin was originally appointed as L.D.A. in the O/o the District Treasury, Nalgonda and his services in the category of L.D.A. were regularized with effect from 25-5-1968 in the O/o the District Treasury, Nalgonda and his probation was declared on 30-6-1970 A.N. in the District Treasury, Nalgonda. Later, he was transferred from the District Treasury, Nalgonda (Branch.II of Treasuries and Accounts Department) to the Accounts Branch, Government Central Press (Branch-III of Treasuries and Accounts Department) by taking last rank in the category of LDA, at his own request. He was given last rank for all purposes among the probationers in the category of L.D.A. The applicant was appointed to the Selection Grade L.D.A. post with effect from 25-5-1973 by Accounts Officer, Accounts Branch, Government Central Press, Hyderabad vide his Procs.No.2892/Estt/Accts/73, dated 19-7-1973. According to Govt. Memo.No.1833/PC/73-1, dt. 25-2-1974 persons transferred from one unit to another unit of same service would not be eligible for appointment to Selection Grade Post. As such, the service rendered by the applicant in District Treasury, Nalgonda cannot be computed for the purpose of reckoning (5) years of service. The Selection Grade Posts in the Accounts Branch, Government Central Press, Hyderabad were meant exclusively for the LDAs working in that Unit and who have put in (5) years of service in that particular unit. As the applicant had not completed (5) years of Service in the Unit of Accounts Branch, Government Central Press, Hyderabad, the Selection Grade appointment given to him vide Procs. No.2892/Estt. Accounts/73, dated 19-7-1973 was not in accordance with the above Government instructions and therefore, it was cancelled by the CAO, O/o. the Govt. Central Press, Hyderabad vide his Procs.No.AE1/3258/87, dt. 22-12-1989. The Director of Treasuries and Accounts, vide his Memo. No. D1/17405/2002, dated 22-11-2002 to step down the pay of the applicant and to work out the excess paid pay and allowances due to irregular appointment of selection grade post of LDA for recovery of the same from the pensionary benefits.

2. Aggrieved by the proceedings issued by the Chief Accounts Officer, Government Central Press, Hyderabad (1st Respondent) and Director of Treasuries and Accounts (2nd Respondent) Sri Khaja Ghousuddin, Accounts Officer (Retd.) filed O.A.No.11235/2002 before the Hon'ble Tribunal. The Hon'ble Tribunal in their order dated 10-5-2006 while disposing the said O.A. directed the respondents **to cancel the impugned proceedings No.243/AE1/97, dt. 10-10-2002 of the 1st respondent and the consequential orders in the Memo.No.D1/17405/2002, dated 22-11-2002 of the 2nd respondent, granting all the pensionary and consequential benefits of the applicant.**

3. The Respondent No.1, the Chief Accounts Officer O/o. GCP, Hyderabad, filed a W.P.No.26851 of 2006, dt. 26-12-2006 and also WPMP No.34505/06 in W.P.No.26851 of 2006 before Hon'ble A.P. High Court on behalf of other Respondents. The Hon'ble A.P.High Court has made the following order:

"We see no grounds to suspend the impugned order passed by the A.P. Administrative Tribunal. W.P.M.P. is accordingly, dismissed.

Petitioners shall implement the impugned order subject to the result of the Writ petition".

4. Government have filed a Special Leave Petition in the Hon'ble Supreme Court of India against the order passed by the Hon'ble High Court on 29-7-2008 in WPMP No.34505/06 in W.P.No.26851 of 2006. The Hon'ble Supreme Court of India have dismissed the SLP in their order dated dt: 13-02-09 in S.L.P.No.CC1378/2009.

"Without interfering with the order passed by the High Court, which is interim in nature, we request the High court to decide the pending writ petition within three months from the date of communication of a copy of this order, without granting any unnecessary adjournment to either of the parties".

5. The DTA in his letter dated 16-07-2009, has informed that Sri Khaja Gousiddin, A.O. has retired from the service on 31-5-2002 voluntarily. **No amount was recovered from him so far on account of excess paid pay and allowances due to cancellation of irregular appointment of Selection Grade post.** The individual is drawing only anticipatory pension so far. The DTA has estimated that an amount of Rs.71,518/- has to be paid, if the orders of appointment of selection grade is restored.

6. In the reference 6th read above, the DTA has informed that the Hon'ble High Court has issued final orders on 27-10-2009 dismissing the W.P.No.26851/2006 filed by the Respondents. The Hon'ble High Court observed that "it is not in dispute that the respondent was transferred to Hyderabad on his request and he was an approved probationer in the category of L.D. Accountant having completed his probation on 30-6-1970 and he was directed to take the last rank among the approved probationers in the Hyderabad unit and the grant of selection grade as per his eligibility therefore could not have been objected by any other employee. The entire proceedings initiated for withdrawing the selection grade to the respondent has therefore resulted in filing O.As., and writ petition before this Court. We have also informed that Teharulla Hussaini, who was similarly situated co-employee as the respondent also, suffered

similar orders against which he had approached the Tribunal by filing O.A.No.504 of 1994 which was also allowed by the Tribunal and W.P.No.6462 of 2003 filed by the petitioners questioning the said order also stood dismissed as abated as by then the said Teherulla Hussaini was no more. However, the facts of the present case being identical to the said case, we are of the view that the respondent has fulfilled the requirement under Rule 46-A referred to above and **no interference is warranted with the order of the Tribunal. The orders impugned before the Tribunal shall stand set aside. They shall stand allowed as prayed for. The writ petition is accordingly dismissed. No order as to costs"**

7. Government, after careful consideration of the orders of Hon'ble A.P. High Court, in W.P.No.26851/2006 and relevant material on record, hereby order for implementation of the orders of Hon'ble A.P. Administrative Tribunal, dated 10-05-2006 in O.A.No.11235/2002 to Sri Khaja Ghousuddin, Accounts Officer (Retd.).

8 The Director of Treasuries and Accounts shall take necessary further action immediately and report compliance to the Hon'ble A.P. Administrative Tribunal immediately with a request to close the C.A.No.817/2006 filed by Sri Khaja Ghousuddin, Accounts Officer (Retd.) under intimation to the Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**SHAMSHER SINGH RAWAT
SECRETARY TO GOVERNMENT (FP)**

To
Sri Khaja Ghousuddin, Accounts Officer (Retd.) through the Director of Treasuries and Accounts, A.P, Hyderabad.
The Director of Treasuries and Accounts, A.P., Hyderabad.
The Accountant General, A.P., Hyderabad.
The Joint Director, Pension Payment Office, Hyderabad.
Copy to the Govt. Pleader for Finance, A.P.A.T., Hyderabad for information.
SF/SC

:: FORWARDED BY ORDER::

SECTION OFFICER